

**REMARKS**

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. Claims 1-16 are pending in the present application. Claims 1 and 6 are amended by way of the present response. Applicant submits that upon entry of the present Reply, claims 1-16 are in condition for allowance. Moreover, the Applicants submit that no new matter has been introduced by the foregoing amendments.

**Rejections under 35 U.S.C. §103**

Claims 1-4 and 6-9 are rejected under 35 U.S.C. §103(a) as unpatentable over Murphy et al. (US Pat 6,282,192) in view of Crawley et al. (US Pat 5,953,312).

Murphy teaches, a system and a communication path setting method of setting a communication path between a first telephone terminal system connected to a packet network and a second telephone terminal system connected to a circuit switching network and the circuit switching network. Crawley, on the other hand, teaches a system that is implemented in response to inadequate resources to a normal next hop node for a requested connection.

With respect to claims 1 and 6, neither Murphy nor Crawley teaches or suggests the "first port is configured to pass voice band signals to said circuit switching network by bypassing when said first port is not working" as is recited in amended claims 1 and 6.

For example, Murphy teaches, in col. 6 and FIG. 8, "once QoS conditions on the VoIP network 20 improve, call(s) carried by the PSTN fallback call 65 are seamlessly rerouted back over a new VoIP call 68 and the PSTN fallback call 65 is torn down." The cross connect 24 establishes a new VoIP call 68 to the destination gateway 22 and uses connection 62 to cross connect audio signals from the incoming call 60 to the new VoIP call 68. The incoming call 60 is now cross connected to two output channels, the output channel for VoIP call 68 and the output

channel for PSTN fallback call 65. Murphy's cross connect 24 feature is not configured to pass voice band signals to said circuit switching network by bypassing when the first port is not working. Therefore, even the combination of Murphy with Crawley, cannot teach or suggest the claimed method and system.

In light of the above discussion and in view of the present amendment, claims 2-5 and 7-16, dependent on base claims 1 and 6, are also believed to be in condition for allowance. Applicant's attorney also notes that it appears the PTOL-326 form notes that that "claims 1-16" have been "objected to" however no objections for informalities appear in the office action. Further, the Office action itself does not explicitly reject claims 5 and 10-16 under the section "Claim Rejections – 35 USC§103" and thus, Applicant's attorney must assume they are allowable. However, in an abundance, of caution, applicant's attorney submits that even the combination Murphy and Crawley do not teach or suggest the subject matter recited in claims 5 and 10-16.

The Office Action's rejection against claims 1-4 and 6-9 U.S.C. §103(a) are respectfully requested to be withdrawn. Claims 1-16 are believed to be in condition for allowance.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds of rejection are believed to have been overcome. The application, as amended, is believed to be in condition of allowance. An early and favorable action to that effect is respectfully requested.

Respectfully Submitted,  
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